

Appl. No. 10/785,473
Amdt. dated April 10, 2009
Reply to Office action of February 13, 2009

REMARKS/ARGUMENTS

Amendment to Specification/Claim to Priority

The specification was amended to complete the claim to priority. The application is a continuation-in-part of application Serial No. 09/629,323, filed July 31, 2000, now U.S. Patent No. 7,260,548, which claimed priority to provisional patent application Serial No. 60/189,551, filed March 15, 2000. The issued patent number was not available at the time of filing.

Claim Objections and Claim Status

The Examiner objected to claims 8, 27 and 28. Applicant has amended the claims to remove the bases for objection.

Claim Rejections- 35 USC §112

The Examiner rejected claims 26-28 as failing to comply with the enablement requirement. Applicants have amended the claim 26 to remove the basis for rejection of the independent claim as well as claims 27 and 28 which depend from claim 26. The amendment of claim 26 also removes the basis for rejection of the claim as a "single means claim."

The Examiner rejected claims 1-5, 8015 and 19-25 as being indefinite. Applicants have amended relevant claims to remove the basis for rejection and believe the claims now are in condition for allowance.

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Claim Rejections- 35 USC §101

The Examiner rejected claim 35 under 35 USC §101. However, the application does not include a claim 35. The Examiner also rejected claims 1-5, 7-15 and 17-25 under 35 USC §101. Applicants believe that amendments to the claims to positively recite the use of a computer in the claim methods remove any basis for rejection of any of the pending claims under 35 USC §101.

Double Patenting

The Examiner rejected claims 1-28 on the grounds of not statutory type double patenting in view of U.S. Patent No. 7,260,548. Applicant submits an appropriate terminal disclaimer which obviates the grounds of rejection.

Allowable Subject Matter

Applicant notes that the Examiner found claims 1-28 to be allowable if rewritten or amended to overcome the objections and rejections set out above. Applicant submits that the amendments to the claims have placed the claims in condition for allowance and requests reconsideration and allowance of the claims and passage of the case to issue.

Respectfully submitted,

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